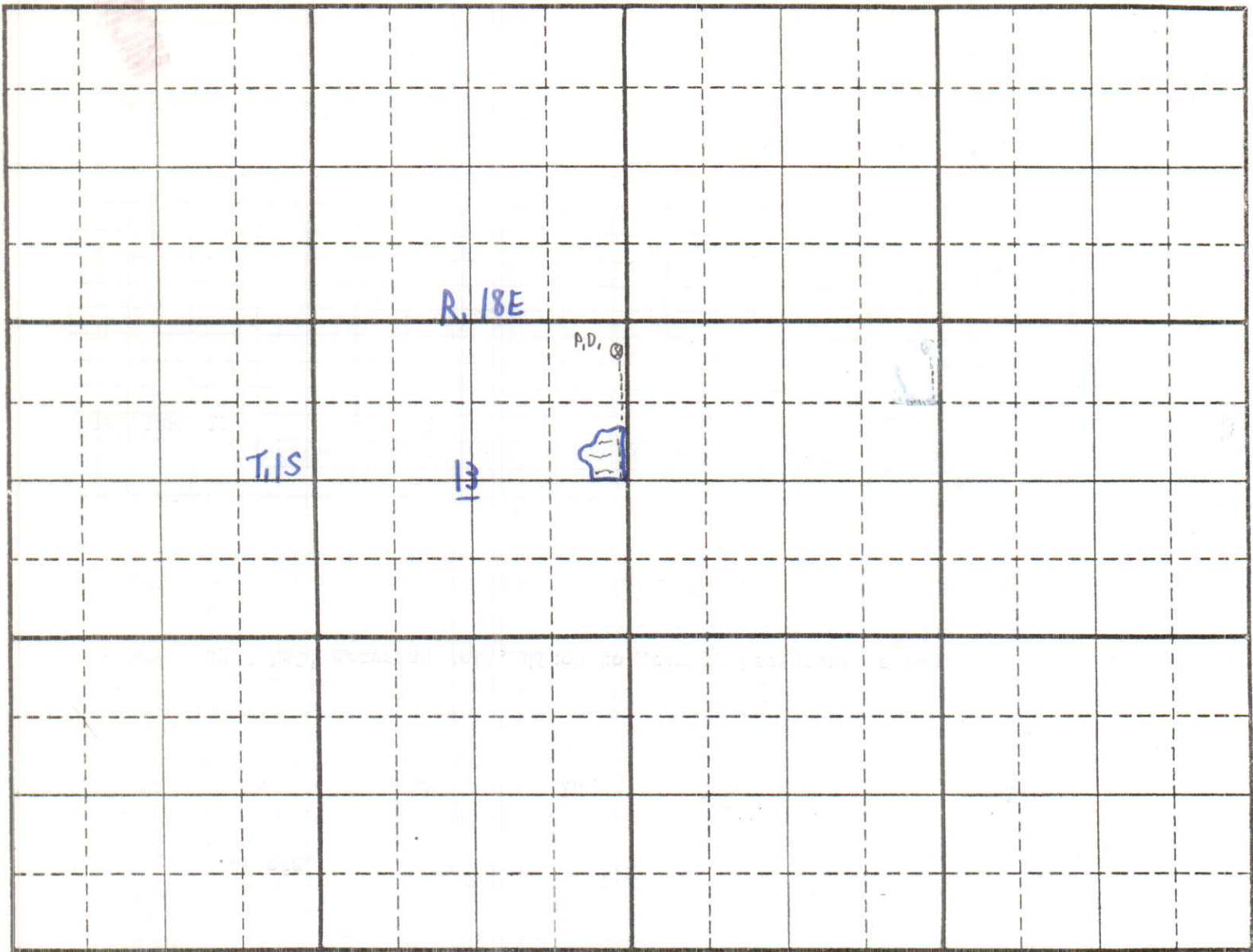


(8) Remarks _____



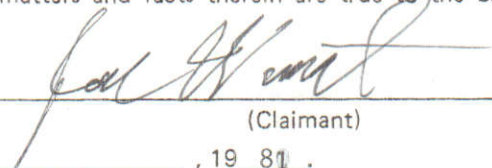
Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Twin Falls)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 7th day of January, 19 81.


(Claimant)


Notary Public
Residing at Twin Falls, Id

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by J. E. Stanton Date 1-7-1981 Exception filed by: _____ Fowarded to _____ Date _____
Prelim. check by T.G.B. Date 1-12-81 claimant by: _____
\$0.00 fee received by JP Date 1-9-1981 #16953
Published in wood river journal
Dates 1/29 + 2/5/81

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

GORDON O. CLASMAN, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 29 day of January,

19 81, and the date of the last publication was on the 5

day of February, 19 81.

Gordon O. Clasman

Subscribed and sworn to before me this 6th

day of February, 19 81.

(SEAL)

Robert B. Kuehn

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13

Number of Lines in Notice 30

Number of Insertions 2

30 Lines tabular at 11.70 4¢ / Pica

30 Lines straight at 7.80 3¢ / Pica

30 Subsequent lines at 19.50 2¢ / Pica

TOTAL COST 19.50

COPY OF NOTICE

(Paste Here)

Permit 37-4159
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lakes Blvd N
T.F.

NOTICE OF CLAIM TO WATER RIGHT

NOTICE IS HEREBY GIVEN, That the following claim to water right has been established by diversion and application to beneficial use:

37-4159

WURST, Joe

Rt. 1, Box 300

Bellevue, Idaho 83313

Source: GROUNDWATER

Priority Date: 04/01/1955

Amount: 0.32 CFS

Diversion Point: NENE Sec 13 T 01S R 18E, BLAINE Co.

Use: IRRIGATION (0.32 CFS) from 04/01 to 11/01.

Place of Use: SENE Sec 13 T 01S R 18E FOR 16 ACRES.

Diversion Means: ARTESIAN WELL AND DITCH.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Publish: Wood River Journal-January 29 and February 5, 1981.

(Idaho Code, Rev. Statutes 1980)

7-8 pt. per line, straight 3¢ / Pica

7-8 pt. per line, tabular 4¢ / Pica

7-8 pt. per line successive insertions 2¢ / Pica

RECEIVED

No 351
FEB 9 1981

Department of Water Resources
Southern District Office

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

FEBRUARY 17, 1981

JOE WURST
RT. 1 BOX 300
BELLEVUE

ID 83313

RE: Claim No. 37-4159

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,


LOREN O. HOLMES
Southern Region Supervisor

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Joe Wurst (Name of Claimant)
Route #1 Box 300, Bellevue, Id 83313 (Mailing Address) Telephone No. 788-2877 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1955

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Groundwater tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.32 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>Apr 1</u>	To <u>Nov 1</u>
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____

(4) 0.32 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NE 1/4, Sec. 13 Twp. 1S Rge. 18E B.M., County of Blaine
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 8" X 182' artesian well, ditch to gravity irrigation system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

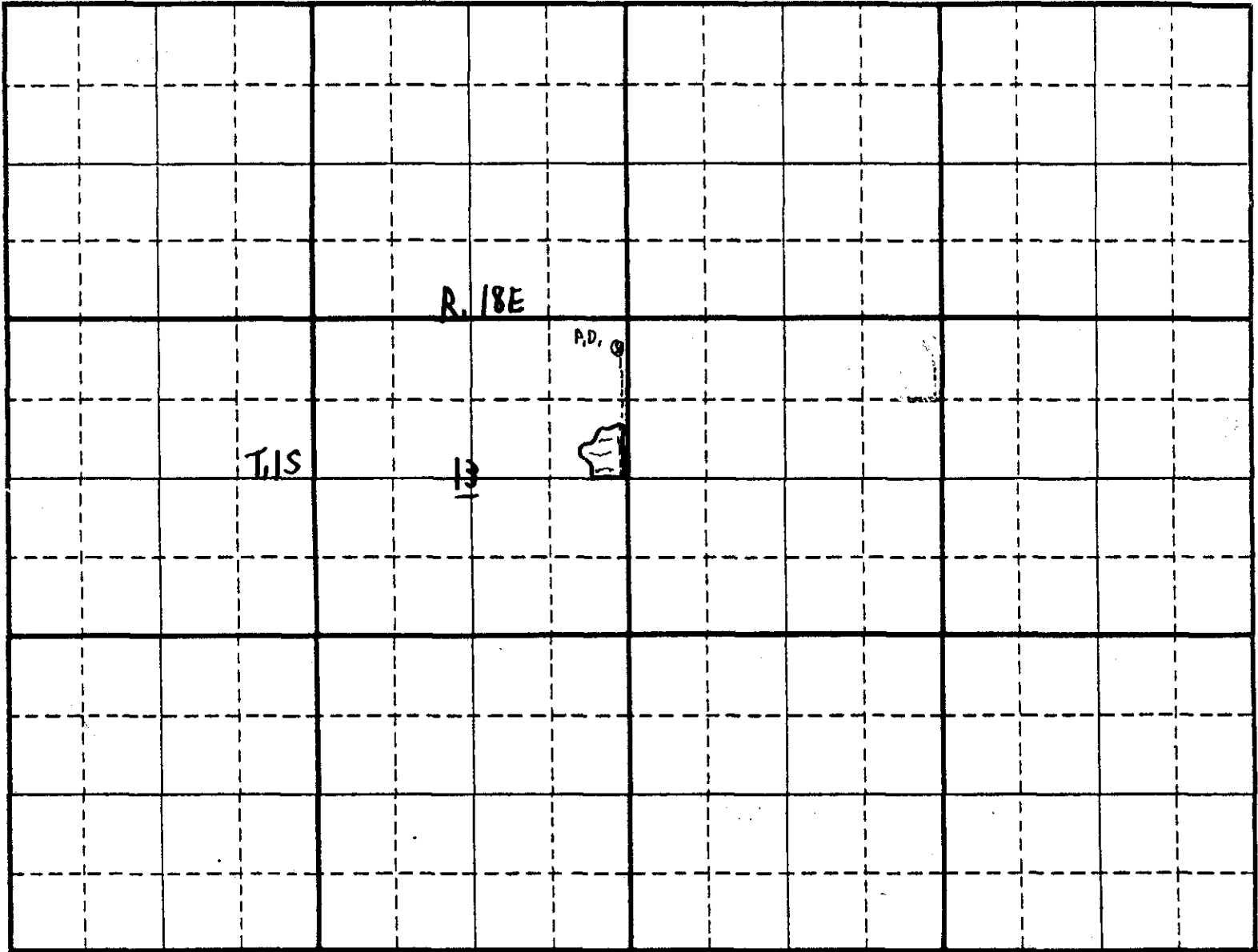
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	18E	13				16													16

No. of acres 16

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____
If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 7th day of January, 19 81.

[Signature]
(Claimant)
Loren O Halmer
Notary Public
Residing at Twin Falls, Id

My commission expires Life

FOR DEPARTMENT USE ONLY

MICROFILMED

Received by J E Stanton Date 1-7-1981 Exception filed by: _____ Forwarded to _____ Date _____
Lim. check by T.G.B. Date 1-12-81
\$0.00 fee received by JP Date 1-9-1981 # 16753
Published in Wood River Journal
Dates 1/29 + 2/5/81

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

GORDON O. CLASMAN, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 29 day of January, 1981, and the date of the last publication was on the 5 day of February, 1981.

Subscribed and sworn to before me this 6th

day of February, 1981.
(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 13
Number of Lines in Notice 30
Number of Insertions 2
Lines tabular at _____ 4¢ / Pica
30 Lines straight at 11.70 3¢ / Pica
30 Subsequent lines at 7.80 2¢ / Pica
TOTAL COST 19.50

MICROFILMED

COPY OF NOTICE

(Paste Here)

Permit 37-4159
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lakes Blvd N
T.F.

(Idaho Code, Rev. Statutes 1980)

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7-8 pt. per line, tabular	4¢ / Pica
7-8 pt. per line successive insertions	2¢ / Pica

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No. FEB 9 351

Department of Water Resources
Southern District Office

RHT
Normandy

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK P. SMITH

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

April 17, 1995

RECEIVED
APR 18 1995
Department of Water Resources

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
P.O. Box 389
Twin Falls, ID 83303-0389

Re: Gertrude Peet/Geoffrey Smith

Dear Pat:

Our client, Gertrude Peet, is in the process of attempting to finalize a lease of her ranch, located near Timmerman Hill in Blaine County. As a new lessee is likely to start irrigating the property in the near future, this letter is meant to once again advise your client, Geoffrey Smith, of our client's rights regarding the well from which they both divert water. See Letter of September 21, 1994 from Thomas J. Ryan to Geoffrey C. Smith. We want to avoid the type of conflicts that have occurred in the past.

In sum, Geoffrey Smith may not: (1) divert more water from the well than he is entitled to; or (2) interfere with Gertrude Peet, or her lessee, when accessing, maintaining, or repairing the well, ditch or other irrigation works located between the well and the Peet ranch.

1. Diversion of Water from the Well

Gertrude Peet, by virtue of Water Right No. 37-02614, has a licensed right to receive 2.0 cfs, or 100 inches, of water under a priority date of May 18, 1959. In large part, this right is served by the well in question. Geoffrey Smith has a statutory claim, A37-04159, with a priority date of April 1, 1955, totaling .32 cfs. As a result, any diversion by Smith in excess of .32 cfs, and irrigation in excess of 16 acres, is unauthorized.

Exceeding the .32 cfs limit will result in a request to the Idaho Department of Water Resources (IDWR) for a cease and desist order, a request for injunctive relief from the Snake River Basin Adjudication (SRBA) District Court, and/or pursuit of criminal violations with the Blaine County Prosecuting Attorney.

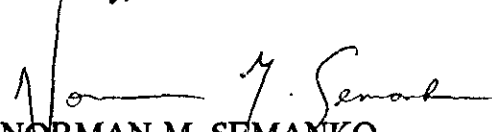
Patrick D. Brown
April 17, 1995
Page 2

2. Access, Maintenance and Repair of the Well, Ditch and Other Irrigation Works

The deed conveying the ranch to Gertrude Peet conveys all water and ditch rights appurtenant to and used in connection with the property. There also exists an implied easement. This includes the right to access, repair and maintain the well, ditch and other irrigation works. Again, interference with these rights will result in a request to IDWR, the SRBA Court, and/or the Blaine County Prosecuting Attorney for relief.

As before, we remain open to any negotiations or discussions regarding this matter. Certainly, we have tried to foster such talks over the past several months. However, in the meantime, we must again insist that your client refrain from interfering with the rights of Gertrude Peet, as set forth above.

Sincerely,


NORMAN M. SEMANKO

04179501.NMS

cc: Keith Higginson, Director, Idaho Department of Water Resources
Lee Peterson, Watermaster, District 37 and 37M
Fritz Haemmerle, Blaine County Prosecuting Attorney
Geoffrey Smith
Gertrude Peet

WATER RIGHT NUMBER 37-4159

OWNER LAST NAME - WURST

FIRST NAME - JOE

ORIG OWNER -

ADDRESS LINE 1 - RT. 1 BOX 300

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BELLEVUE

STATE - ID ZIP CODE - 83313

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - STATRY CLM

STATUS -

PRIORITY - 04-01-1955 COUNTY - BLAINE

TOTAL DIV. RATE -

.3200 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NENE 13 01S 18E LOT

REDIV -

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE -

.3200 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 01S RNG 18E SEC 13 TRACT SENE LOT

AC 16

DECREE NAME -

DATE -

TOTAL ACRES

16

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS - ARTESIAN WELL AND DITCH

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: TERRY Blau

Right Number 37-4159 Applicant BURST, Joe

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Loren O'Halma Date 2-18-81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Maureen Date 2/25/81

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

32-4159

WURST, JOE

RT. 1 BOX 300, BELLEVUE, ID 83313

Source: GROUNDWATER

Priority Date: 04/01/1955

Amount: 0.32 CFS

Diversion Point: NENE Sec 13 T 01S R 18E, BLAINE Co.

Use: IRRIGATION (0.32 CFS) from 04/01 to 11/01

Place of Use: SENE Sec 13 T 01S R 18E FOR 16 ACRES

Diversion Means: ARTESIAN WELL AND DITCH

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published 1/29 & 2/5/1981.

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

JANUARY 16, 1981

Wood River Journal
P.O.Box 988
Hailey ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 16, 1981.

Yours truly,

Mary R. Hill
Secretary

Encl.

MICROFILMED